

August 7, 2008

Cherubim E. Hurdle
Eggshell Dynamics Accounts Auditing Services
151 N. Pleasant Hill Blvd.
Pleasant Hill, IA 50327-7137
1-515-664-9200
c.hurdle@mchsi.com

Office of the Clerk of the US District Court
Northern District of California
Attn.: Magistrate Judge Elizabeth D. LaPorte
450 Golden Gate Avenue
16TH FLOOR 161111
San Francisco, CA 94102

FILED

AUG X 8 2008

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

Plaintiff,

v.

**APPROXIMATELY \$99,900 IN UNITED
STATES CURRENCY**

Defendant.

Case No. C-08-01161 EDL

**OPPOSITION TO MOTION FOR
DETERMINATION THAT CHERUBIM
HURDLE HAS FAILED TO STATE A CLAIM
TO DEFENDANT \$99,990.00 IN UNITED
STATES CURRENCY**

**and OPPOSITION TO ALTERNATE MOTION
TO STRIKE**

RESPONSE DEADLINE: August 8, 2008

To Magistrate Judge Elizabeth D. LaPorte:

First of all, Your Honor, my business name has changed, it may irrelevant, but I am going to change it with the IRS as well from Eggshell Dynamics Investigative Services to Eggshell Dynamics Accounts Auditing Services. It may change again over the years as I am new in this business and all businesses go through name changes.

I have two reasons for opposition to the US Attorneys office motion and alternate motion:

I—Is Michael Munoz entitled to the funds return as an innocent owner? If so, I wish to withdraw my claim, so their motions are then redundant. It's only if it's been proved that he is not, would I wish to be allowed to re-submit my claim completed properly and feel if there is no other innocent owner I should be allowed to for three reasons:

A) I live nearly two thousand miles from San Francisco, CA and due to an illness, a leg injury and my indigent status (confirmed by several things Your Honor is already aware of), I cannot personally appear in court and everything has to be done on paper or by phone, which I stated when I filed the claim, and

B) I have been excluded from the case management conference, (I sent a request to be included by phone conference and it was not responded to). Also, I was hindered from filing a timely objection to the government's motions by regular mail, because I was not mailed the Order in time to respond by regular USPS mail and not given a sufficient time--per the law three weeks is the time to respond. California is one week by mail from Des Moines, IA, it takes two weeks to get mail to me and back to anyone in California. I did not get it in time. I am indigent and cannot afford to expedite a response, and

C) My 5th Amendment Rights have been violated as I did not get to speak at the court hearing and my written requests were either denied or ignored.

The second reason I oppose the US Attorneys motion and alternate motion:

2-- If Michael Munoz is not 100% an innocent owner, then for what percentage is the government settling with him, and are there any other innocent owners? Is there anyone else, such as a sibling or another relative or person who loaned him the money not knowing what it was meant to be used for who money is owed to? Which brings up my reason for my originally contacting the court-- finding people entitled to their money and get it returned to them for a fee. The Federal Courts, US District, state government, and lawyers, charge fees for services, rendered to clients in these Forfeiture cases, that is the legal precedent for me being able to garner clients from the lists of Forfeiture Notices, as long as I do not handle any case as a legal counsel, I am not violating any law—and it is irrelevant to the US Attorneys case where I saw the notice. Every part of the Federal and other governments hire vendors, I simply wanted to inquire into being a consultant for individuals. This Asst. US Attorney tried to blacken my reputation by putting my personal case letter and information out there on PACER. I would like to ask Your Honor to order this US Attorneys office to redact my personal case file information from this case; it is separate and not a part of this case.

Again, Your Honor, all I wanted to do was go into business, and find out the laws for getting justice for the crime I endured and got to help with the law regarding. It is not a crime. It is well known that the government hires people to clean their restrooms, sell them office supplies, and sell consulting services--that is all I am doing. Becoming a part of the American Enterprise system, and that should not be a part of the US Attorneys' case. The fact that I found the listing for it on www.forfeiture.gov is also not relevant to their case as that is the reason the Department of Justice created the website, to be viewed and so that people could be aware of property about to be forfeited. Since, it is not so widely known a website; I was simply working find out how to help people recover their funds with my help. So, their case is ridiculous citing those items to say the money is not mine or I am doing anything that is reason enough to strike my claim. I had money stolen from me, as you know, millions, something Blacks don't get in a lifetime, but I was given it by my mother—she died at 60 and my grandmother died in her 90's, and my great-grandmother was elderly when she passed as well--my mother collected it their lifetimes. I had every right to put in a claim as an American and part of the free enterprise system. I wanted only to find out about the property and if it turned out to be ownerless, I may have put in a personal claim. I was ignorant of proper procedures for claiming and other legalities, now I know the rules.

There is already a precedent for me recovering my money from the government, up to 69 years from the year it was stolen in 1999. Please see this excerpt from page 5 of **NEW YORK STATE BANKING DEPARTMENT HOLOCAUST CLAIMS PROCESSING REPORT As Required by Section 37-a of the Banking Law**, dated January 15, 2008, written by Richard H. Neiman, Superintendent of Banks. "On February 17, 2006, Chief Judge Edward Korman of the U.S. District Court of Eastern New York, who presided over the Holocaust Victims Assets class action litigation which resulted in the \$1.25 billion Swiss bank Settlement Agreement and the creation of the CRT, approved the release of Plausible Undocumented Awards (PUA) to Deposited Assets Class claims. Recognizing the destruction of documents by the Swiss banks, the restricted access to the remaining records, and the ravages of war left many claimants without documentary evidence to prove the existence and ownership of a Swiss bank account, eligible claimants receive a onetime payment of \$5,000."

In light of the knowledge that Chief Judge Korman has made such a tremendous ruling saying that claimants can go back as far as the beginning of the Second World War of about September 1939 to retrieve items stolen from them, I cannot be kept out of investigating situations of seized money for purposes of assisting clients, in administrative claims. And, because I would not want to be accused of practicing law without a license I would not offer legal advice, just work resolving claim issues. And, it cannot be said that my claim is too old. What is the difference between the theft I suffered and that the Jews suffered? Both of us, suffered thefts at enemies hands and both endured physical and mental and financial hardship because of the thefts and both are minorities in America. My mother and those of us who lived together moved around the states for nearly 20 years and we lost storages and important documents, but never the money she had until it was stolen.

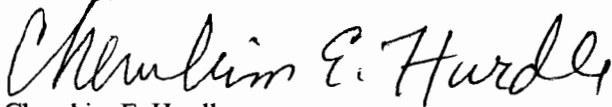
The only difference is that the time frame since the theft has been longer for the Jews, yet they are allowed to go back 69 years and my request for only 9 years is being mocked. How can what we endured and our loss of documents and paperwork tracing the honest sources of my mother's money be any different than theirs? Chief Judge Korman allowed the Jews to receive justice there is nothing to stop the Judge in the Southern District from making a decision for my case, nor for Your Honor from following the Chief Judge Korman's precedent created with the Holocaust issue, so that I or anyone of my future clients can receive justice. The only hindrance is these US Attorneys trying to ruin my reputation and blacken my name with the judges by twisting my actions and putting my personal information

out to other attorneys and on PACER. I have filed an Administrative Tort Claim under the FTCA to handle that issue.

It is *ONLY*, if Mr. Munoz is not an innocent owner that I would want to be advised of it, so that I will have the opportunity if given permission by the court to place a corrected claim. I am just trying to find property that is seized (turned in as ownerless funds—the owner is unknown—whether cash or from numerically identified bank accounts) because if no one else claims it, then I have the right to claim it and restore my mother's money to me. I am not trying to take anything that belongs to anyone else, I only want to see justice for myself and help other people get their money back, since my years of searching (I have been researching this matter since 1999 when the theft occurred and had to find out myself since I had no help from law enforcement) and have educated myself in many ways as to the laws concerning property (and as a consultant, layperson, not a legal counselor) and I can use that knowledge to help others.

I am asking that Your Honor please respond to advise me of what your Order is concerning my request to let him have his money if he is an innocent owner. **I am sending it by fax and the original document is being mailed today and should arrive by the end of next week.** I would just like to ask for a copy of the entire files that the US Attorneys office and the agency that performed the seizure has on this case, if Your Honor would so order. And I will withdraw my claim entirely dependant on finding out if he is the sole entitled owner. Whether he is owner or not, I would like to request a copy of the file anyway, for my records as my right of Discovery after the case has been settled with him and closed. (A copy of this letter has been mailed to the US Attorneys office to Asst. US Attorney Susan B. Gray.)

Sincerely,



Cherubim E. Hurdle

THE ORIGINAL COPY WILL BE MAILED ON August 8, 2008, FRIDAY, PLACED IN THE MAILBOX IN FRONT OF MY HOME FOR MAILING—THIS DOCUMENT WAS FAXED ON August 8, 2008 AS WELL.

Officejet 5600 series 5610

Personal Printer/Fax/Copier/Scanner

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erubim Hurdle
15-664-9200
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